

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

In re: Vicky Rodríguez-Torres  
Debtor

09-10864-BKT7  
Chapter 7

MOTION TO COMPEL PROOF OF AUTHORIZATION

TO THE HONORABLE COURT:

Now comes Debtor, through the undersigned attorney, and states as follows:

1. Creditor Government Development Bank for Puerto Rico (**GDB**), as a governmental agency, is required by law to register and remit all contracts it executes to the Office of the Comptroller for Puerto Rico (**Comptroller**). See: 2 L.P.R.A. § 97.
2. Currently in this case, attorneys Sonia E. Colon, Andres Gorbea, and the law firm of Schuster Aguilo have made appearances on behalf of GDB. The law firm of Arrillaga Arrillaga (**Arrilaga**) is appearing on behalf of Chapter 7 Trustee.
3. By their own account, Arrillaga is currently negotiating with Schuster Aguilo the causes of action which represent the contingent assets of the instant bankruptcy estate.
4. From a cursory review of the official website for the Comptroller, <http://www.ocpr.gov.pr> (**Last visited on September 13<sup>th</sup>, 2010, at 3:05 AM.**), it doesn't appear that any of the

aforementioned attorneys appearing on behalf of GDB maintain validly executed contracts that have been registered with the Comptroller.

5. However, and on the other hand, the same website discloses that Arrillaga does maintain a current and valid contract with GDB, or at the very least, a contract through which the expenditures and payments on behalf of Arrilaga are controlled or managed by GDB.
6. Debtor submits to the Court that documents, records, and official publications posted on official government agency websites are reliable sources for the above information, as well as being self-authenticating records. See: **Lorraine v. Markel American Ins. Co., 241 F.R.D. 534, 551, (D.Md., 2007).**
7. Debtor hereby challenges the authorization of Sonia E. Colon, Andres Gorbea, and the law firm of Schuster Aguilo, to represent GDB in this underlying bankruptcy case, or any of its related adversary proceedings.
8. It is a matter of considerable importance that where the above attorney's authority has been questioned, proof of that authority be given. Otherwise, GDB might later demonstrate that the attorneys who purported to represent them had no authority to do so, making the litigation and negotiation which had ensued a complete waste. Were Debtor fails to make inquiry or to demand proof of the above attorney's authority, she would do so at her own peril. See: **Maxey v. Monahan, 478 F.Supp.2d 1044, 1050 (N.D.Ill., 2007).**

9. Further, Arrillaga's potential lack of disinterestedness in properly handling the instant bankruptcy estate, and potential lack of an adverse interest against GDB, encompasses not only actual and potential conflicts, but also the appearance of impropriety or conflict, which could be grounds for disqualification. See: In re Hot Tin Roof, Inc., 205 B.R. 1000, 1003 (1<sup>st</sup> Cir. BAP, 1997). Having a current and recurring contractual relationship with GDB, undoubtedly gives at least the appearance of conflict.

#### **CONCLUSION AND PRAYER FOR RELIEF**

**WHEREFORE**, Debtor respectfully requests that this Honorable Court:

**ORDER** that attorneys Sonia E. Colon, Andres Gorbea, and the law firm of Schuster Aguilo, submit official, Comptroller certified copies of the executed contracts which authorize them to appear in the present case on behalf of GDB;

**ORDER** that the law firm of Arrillaga Arrillaga submit official, Comptroller certified copies of the currently active, executed contracts in which GDB is a party, or in which GDB has any involvement in authorizing, issuing, or disbursing payments in favor of Arrillaga.

**Submitted** in New York, New York, this 13<sup>th</sup> day of September, 2010.

**S/William E. Meléndez Menéndez**  
**William E. Meléndez Menéndez**  
USDC PR No. 226902

Attorney for Debtor

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this date I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties in interest.

**In New York, New York, this 13<sup>th</sup> day of September, 2010.**

**S/William E. Meléndez Menéndez**

**William E. Meléndez Menéndez**

USDC PR No. 226902